

HOUSE BILL 213

D4

9lr0343

By: **Delegates Simmons, Dumais, Lee, McComas, and Waldstreicher**

Introduced and read first time: January 28, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Attorney’s Fees – Pro Bono Attorneys**

3 FOR the purpose of specifying that a final protective order may include a provision
4 requiring the respondent to pay reasonable attorney’s fees, including fees to an
5 attorney or organization providing pro bono legal services; and generally
6 relating to final protective orders and attorney’s fees.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 4–506(d)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Family Law**

15 4–506.

16 (d) The final protective order may include any or all of the following relief:

17 (1) order the respondent to refrain from abusing or threatening to
18 abuse any person eligible for relief;

19 (2) order the respondent to refrain from contacting, attempting to
20 contact, or harassing any person eligible for relief;

21 (3) order the respondent to refrain from entering the residence of any
22 person eligible for relief;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) where the person eligible for relief and the respondent are residing
2 together at the time of the abuse, order the respondent to vacate the home
3 immediately and award temporary use and possession of the home to the person
4 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a
5 vulnerable adult, award temporary use and possession of the home to an adult living
6 in the home, provided that the court may not grant an order to vacate and award
7 temporary use and possession of the home to a nonspouse person eligible for relief
8 unless the name of the person eligible for relief appears on the lease or deed to the
9 home or the person eligible for relief has shared the home with the respondent for a
10 period of at least 90 days within 1 year before the filing of the petition;

11 (5) order the respondent to remain away from the place of
12 employment, school, or temporary residence of a person eligible for relief or home of
13 other family members;

14 (6) order the respondent to remain away from a child care provider of
15 a person eligible for relief while a child of the person is in the care of the child care
16 provider;

17 (7) award temporary custody of a minor child of the respondent and a
18 person eligible for relief;

19 (8) establish temporary visitation with a minor child of the respondent
20 and a person eligible for relief on a basis which gives primary consideration to the
21 welfare of the minor child and the safety of any other person eligible for relief. If the
22 court finds that the safety of a person eligible for relief will be jeopardized by
23 unsupervised or unrestricted visitation, the court shall condition or restrict visitation
24 as to time, place, duration, or supervision, or deny visitation entirely, as needed to
25 guard the safety of any person eligible for relief;

26 (9) award emergency family maintenance as necessary to support any
27 person eligible for relief to whom the respondent has a duty of support under this
28 article, including an immediate and continuing withholding order on all earnings of
29 the respondent in the amount of the ordered emergency family maintenance in
30 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

31 (10) award temporary use and possession of a vehicle jointly owned by
32 the respondent and a person eligible for relief to the person eligible for relief if
33 necessary for the employment of the person eligible for relief or for the care of a minor
34 child of the respondent or a person eligible for relief;

35 (11) direct the respondent or any or all of the persons eligible for relief
36 to participate in professionally supervised counseling or a domestic violence program;

37 (12) order the respondent to surrender to law enforcement authorities
38 any firearm in the respondent's possession for the duration of the protective order; or

1 (13) order the respondent to pay **REASONABLE ATTORNEY'S FEES,**
2 **INCLUDING FEES TO AN ATTORNEY OR ORGANIZATION PROVIDING PRO BONO**
3 **LEGAL SERVICES,** filing fees, and costs of a proceeding under this subtitle.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.